

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HANG LI, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

SPIRIT AEROSYSTEMS HOLDINGS,
INC., TOM GENTILE III, and MARK J.
SUCHINSKI,

Defendants.

Case No. 1:23-cv-03722-PAE

**STIPULATION AND ORDER CONCERNING SCHEDULE FOR LEAD
PLAINTIFF'S AMENDED COMPLAINT AND DEFENDANTS' RESPONSE**

WHEREAS, Plaintiff Hang Li (“Li” or “Lead Plaintiff”), through his counsel, Glancy Prongay & Murray LLP (“GPM”) and Holzer & Holzer, LLC (“Holzer”, and together with GPM, “Co-Lead Counsel”), filed this putative securities class action on May 3, 2023 (*see* Dkt. No. 1) on behalf of a proposed class of investors in Spirit AeroSystems Holdings, Inc. (“Spirit”);

WHEREAS, by order dated October 20, 2023 (Dkt No. 22), the Court appointed Li as lead plaintiff, and appointed GPM and Holzer as class co-counsel;

WHEREAS, Co-Lead Counsel are conducting an ongoing investigation in this matter, and intend to file an amended complaint on behalf of Lead Plaintiff after further research and analysis;

WHEREAS, Defendants Spirit AeroSystems Holdings, Inc., Tom Gentile III and Mark J. Suchinski (together, “Defendants”, and collectively with Lead Plaintiff, the “Parties”) intend to review Lead Plaintiff’s amended complaint when filed, and thereafter determine how to respond;

WHEREAS, the Parties have met and conferred and agree upon the following schedule, subject to the Court’s approval;

THEREFORE, IT IS HEREBY STIPULATED that, subject to the Court’s approval:

1. Lead Plaintiff’s amended complaint shall be filed by Tuesday, December 19, 2023;
2. Defendants’ answer or motion to dismiss shall be filed by Tuesday, February 20, 2024;¹
3. If Defendants move to dismiss the amended complaint, Lead Plaintiff’s opposition shall be filed by Monday, April 22, 2024; and

¹ If Defendants move to dismiss the complaint, Lead Plaintiff has 21 days, under Rule 15(a)(1)(B), to amend the complaint once as a matter of course—that is, until March 13, 2024. No further opportunities to amend will ordinarily be granted. If Lead Plaintiff does amend, by April 3, 2024, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying Lead Plaintiff, stating that they rely on the previously filed motion to dismiss. If Defendants file a new motion to dismiss or rely on their previous motion, Lead Plaintiff’s opposition will be due 28 days thereafter, and Defendants’ reply, if any, will be due 14 days after that.

4. If Defendants move to dismiss the amended complaint, Defendants' reply in support of their motion shall be due by Wednesday, May 22, 2024.

DATED: October 25, 2023

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*Counsel for Lead Plaintiff Hang Li and Co-Lead
Counsel for the Proposed Class*

DATED: October 25, 2023

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*Counsel for Defendants Spirit AeroSystems
Holdings, Inc., Tom Gentile III and Mark J.
Suchinski*

SO ORDERED:

Dated: October 26, 2023
New York, New York

Paul A. Engelmayer
Honorable Paul A. Engelmayer
United States District Judge